



September 10, 2019

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo,

We are writing to ask you to sign A.2455-a/S.3840.a which would provide a fair process for reducing erroneous welfare sanctions and which would further Rochester and Monroe County's efforts to reduce poverty. The Rochester-Monroe Anti-Poverty Initiative (RMAPI) is committed to reducing poverty in Monroe County by 50% in 15 years. This bill would help us in that effort. In addition to RMAPI's collective support of the bill, it is also endorsed by many of our partner organizations, including Foodlink and The Children's Agenda.

In 2014, a new state law dramatically improved the process by which public assistance recipients can respond to an allegation that they have failed to comply with a welfare work requirement. Before passage, however, the bill was modified to apply only to New York City. The law provides common sense protection against the imposition of unwarranted and unduly harsh sanctions on the poorest New Yorkers. RMAPI strongly supports A.2455-a/S.3840-a, which would broaden the law to apply statewide.

Currently, for the entire state outside of New York City, a local Department of Social Services' (DSS) determination that a person has failed to comply with a work rule triggers a sanction process. Individuals may use an informal "conciliation" processes or may request a Fair Hearing, but they essentially have the burden to demonstrate that they either did in fact comply, or had good cause for not complying. Although clients often prevail when they ask for a hearing, far too many individuals do not utilize the current process – disproportionately impacting those who are disabled, have difficulty accessing the hearing process, or otherwise have difficulty asserting their rights. In Monroe County, thousands of low-income people on public assistance are sanctioned through this process every year

Three powerful considerations guide our support for expansion of this law to the whole state:

*(1) A disproportionate number of those who are sanctioned have disabilities or face other barriers that make it difficult for them to comply with work rules.<sup>i</sup> People with serious physical or mental health limitations that were not identified by DSS are often ill-equipped to comply with work requirements and are therefore at greater risk of sanction. Individuals with lower levels of literacy, education, and skills, as well as those with domestic violence issues and limited English proficiency, are all more likely to be sanctioned.<sup>ii</sup>*



(2) *Sanctions cause serious hardship.*<sup>iii</sup> Any reduction to welfare benefits due to a sanction reduces available resources to meet basic needs. Parents and children in sanctioned families are more likely to experience hunger and food insecurity, increases in hospitalization, eviction, homelessness, loss of utility and telephone service, and the need for emergency services including emergency housing, food, and clothing aid.

(3) *Decisions to impose sanctions are often the result of administrative errors, inadequate notice, or client disabilities.*<sup>iv</sup> Factors include:

- Notices that do not clearly explain the clients' rights;
- Notices that are not sent in a timely manner or are not properly addressed; and
- Non-compliance that is the result of a disability that DSS failed to detect, or detected but did not accommodate.

**A.2455-a/S.3840-a would protect against inappropriate sanctions** by requiring that:

- Before imposing a sanction, districts must determine whether the alleged failure to comply was related to a disability, a child care problem, or transportation difficulties.
- Mandatory durational sanctions, with inflexible punishment periods of reduced benefits, are eliminated. Instead, sanctions can be avoided, or lifted if already in effect, if the client demonstrates a willingness to comply with the work requirements, or establishes that they are unable to do so.
- A client who is otherwise satisfactorily participating in assigned work activities must not be sanctioned for a single infraction.

There is no justification for failing to apply these fair and reasonable measures statewide. They provide critical protection to individuals who may be unable to comply with a work requirement for reasons beyond their control, or who have a single lapse. This bill will afford **all** public assistance recipients in New York more opportunity and will limit the risk of unwarranted punishment. In doing so, this bill will remove some of the barriers individuals face in moving out of poverty.

Sincerely,

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Executive Director  
RMAPI

Daan Braveman  
Co-Chair  
RMAPI

Jerome Underwood  
Co-Chair  
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*Letter sent In partnership with members of RMAPI's Policy Working Group:*

The Children's Agenda – Larry Marx, Chief Executive Officer

Foodlink – Julia Tedesco, President & CEO

Mitch Gruber – City of Rochester City Council Member

Center for Employment Opportunities – Sarah Fletcher, Rochester Site Director

cc: Assmblymember Pamela Hunter, bill co-sponsor

Senator Rachel May, bill co-sponsor

Senator Richard Funke

Senator Patrick Gallivan

Senator Pamela Helming

Senator Robert Ortt

Senator Michael Ranzenhofer

Senator Joe Robach

Assemblymember Harry Bronson

Assemblymember Marjorie Byrnes

Assemblymember David Gantt

Assemblymember Mark Johns

Assemblymember Stephen Hawley

Assemblymember Peter Lawrence

Assemblymember Jamie Romeo

Bill Destler, RMAPI Policy Working Group Co-Chair

Larry Marx, RMAPI Policy Working Group Co-Chair

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<sup>i</sup> See Nadel, Wamhoff and Wiseman, footnote 2; Dan Bloom and Don Winstead, "Sanctions and Welfare Reform," Brookings Institution, Policy Brief No. 12, Jan. 2002, <http://www.mdrc.org/publications/191/policybrief.html>; Shawn Fremstad, "Recent Welfare Reform Research Findings: Implications for TANF Reauthorization and State TANF Policies," Center on Budget and Policy Priorities, Jan. 2004.

<sup>ii</sup> LaDonna Pavetti, "TANF Studies Show Work Requirement Proposals for Other Programs Would Harm Millions, Do Little to Increase Work," Center on Budget and Policy Priorities, November 13, 2018. This article includes a helpful compilation of research sources on the barriers welfare recipients often have, and their relation to sanctions. See also, LaDonna Pavetti, "Review of Sanction Policies and Research Studies-Final Literature Review," Submitted to Department of Health and Human Services by Mathematica Policy Research, Inc., March 10, 2003.

<sup>iii</sup> Tim Casey, *The Sanction Epidemic in the Temporary Assistance for Needy Families Program*, Legal Momentum, August 2010, <http://www.legalmomentum.org/assets/pdfs/sanction-epidemic-in-tanf.pdf>.

<sup>iv</sup> See, for example, Public Advocate for the City of New York, "Hearing Problem: An Analysis of Human Resources Administrations Fair Hearing Outcomes in New York City," October 2009; Brennan Center Strategic Fund, Inc., "Improving New York City's Public Benefits System: A Key Role for Help Desks," 2008, [http://www.brennancenter.org/content/resource/improving\\_new\\_york\\_citys\\_public\\_benefits\\_system\\_a\\_key\\_role\\_for\\_help\\_desks/](http://www.brennancenter.org/content/resource/improving_new_york_citys_public_benefits_system_a_key_role_for_help_desks/)